G.R.S. Di—9

*Previous references.*

Mune Sep 241 922
" 182-241 & 2240

1927
mune

File No. 66-22-

Serial Nos. 69a, 76, 78
87 92, 93 & 95

*Later references.*

# GENERAL AND REVENUE SECRETARIAT

*Serial Nos.*

Part B for Aug 23

**SUBJECT**

Election of a Vice President to the Bangalore Municipal Council

95 To The Commissioner, Mysore Gazette
No L 647/d 23 & 23
Notifies the election of M
B V Krishna Iyengar as Vice
President of the Bangalore City Municipality

49
31 8 27

GENERAL AND REVENUE SECRETARIAT.

( Rural )

NOTES

File No. 66-22

FILE HEADING.

Members and Vice Presidents of Rural Council

From

The President-Bangalore City Rural Council

No. 158  Dated 11-8-27  Received 13-8-27

Diary No. C 5933  Enclos —  Spare Copies.  Serial No. 194

BRIEF ABSTRACT OF LETTER

In continuation of this office D. O. No. 1848 of 24-6-27 it was stated that a special General meeting of the City Rural Council will have to be held on Wednesday, the 8th June 1927 for the election of the Non-official Vice-President and that the notice thereof has been given to the Rural Councillors.

NOTES AND ORDERS.

1976 Letter No. 1658 dt. 23-8-27 from the President-Bangalore City Rural &c.

Action taken in connection with the further Rural Council elections have been examined and noted

NOTES—First Sheet.

G. R. S. III 2]

General and Revenue Secretariat

R&L File No. 66 of 19 Cr

Serial No

Elected Electors

(1) Mr V. H. Hanumanthaiya

(2) C. Hayavadana Rao, B.A.B.L.

(3) B. N. Krishna Iyengar

Letter No. 1912 dt. 6.6.23 from the Chairman, Bowring Special meeting of the City Municipal Council

Reports that the result of the election was that no candidate was declared duly elected as Vice President for the reasons set forth in detail

Out of the three candidates for the Vice Presidentship Mr. H. Hanumanthaiya withdrew from his candidature

2 Mr. C. Hayavadana Rao's name was not mentioned in the Nomination-Paper as a candidate by the Nominators the Nomination Paper was declared invalid

3 The election of the remaining candidate, Mr. B. N. Krishna Iyengar was proceeded with and he got 17 votes against 27 Councillors present at the meeting

Krishna Iyengar not having

√5833
√6245

G R S III 2]

General and Revenue Secretariat

Rl File No 66 of 1923

Serial No

Having received the absolute majority of votes required by rule (VI) of the Election Rules, viz. 18, being 2/3rds of the total no of Councillors present at the meeting (27) he is considered to have been elected as Vice President under the Rules

4 So, ~~as a result~~ the election has failed

5 Under rule (XI) of the Rules for the Election of the President and Vice Presidents of the Calcutta Municipal Councils in the event of an election held not being approved by Govt Govt may appoint the Vice President or may direct a fresh election

6 Submitted for orders

Page 29 marked

Rl 6/6/23

CR 11/6/23

7 Rev Sec

8 The Question of removing the rules to being dealt with separately

Demand

WJ 12/6/23

9 and the Hon'ble Members may please of Council agree Please Conclude

Yes/6 W 12/6

NOTE—Contn sheet

G R. S. III 2]

General and Revenue Secretariat | RL File No 66 of 19 2

Serial No

Representation from some of the Municipal Commissioners of the Bangalore city Municipal Council

State that rule (VI) of the Election Rules stating that no candidate shall be declared elected unless he secures at least 2/3rd of the total no of votes of the Councillors present at the meeting has a reference to the total no of votes recorded and not to the no of Councillors present and that it is incorrect to state that because the Bill has been framed to secure votes of two thirds of total no of Councillors present at the meeting, one 2/3 of 27 or 18 he has not been duly elected

2 The said rule has a reference to the total no of Councillors present at the meeting but not to the total no of votes recorded

3 The interpretation put upon the rule by some of the Commissioners to make the election of the Vice President wrong is not correct

12 The last election submitted to Govt

9h
13 6 29

NOTE—Contn sheet

G. S. III 2]

General and Revenue Secretariat

File No. 66 of 19 ~~xx~~

Serial No

12 The wording of rule (VI) of the election rules of 23 sep 18 ~~gives~~ gives some room for doubt as to what exactly is intended & whether the total number of votes are those of all the Councillors present at the meeting or of only those that voted at the meeting In the of the election rules of town & minor municipal councils the latter view has been specifically enforced ( vide rule V of the rules of sp 1918)

Ag Deputy Para 9

Rev Sec )

C&S
13 6 23

~~13~~ Petition dy 8 6 23 received on 13 6 23 from ~~the~~ 3 of the Urban Councillors contesting against the proceedings adopted by the Chairman of the Special meeting declaring that the nomination paper of Mr C. Hayawadana Rao was invalid, as the nomination paper did not ~~contain~~ at its top the name of Mr Hayawadana Rao though it was duly signed by the nominators and duly accepted by Mr Hayawadana Rao, who had signed at its foot

15 The above contest ~~has~~ to have been made in accordance with Rule (X) of the Election Rules

NOTE—Contn sheet

G R. S III 2]

General and Revenue Secretariat

File No 66 of 19 22

Serial No

The contest is made on the following grounds.-

1) That the declaration of Mr Hasa-Vadana Rao Naik as carried out at the meeting was irregular and illegal was therefore that nomination paper had been submitted as proposer by the President the returning officer on this case and notified with other nominated names on the notice Board of the Town Hall during a period of 10 days and no objections had been taken against it during the period

(II) That the proceedings at the Special meeting mentioning every ruling of the Chairman as it are invoked as the meeting was not competent to do all this under the Election duty governing it

NOTE—Contn sheet

NOTE—Contn sheet

P T O

G. R. S. 3[11-2]

General and Revenue Secretariat | Pol File No. 66 of 19 re

Serial No

(III) That these rules having been promulgated under Sec 23(1)(c) of the Penal Reg. should be deemed part of it and any Contravention of them should be severely punished by the Meeting held in pursuance of them. The meeting acted in contravention of the Rules and should be restrained

(IV) That the meeting cannot have been called upon specially for receiving the votes of the Councillors in favor or against the person nominated cannot transact any other business at it & it became a procedure for itself, invert itself into a tribunal for deciding the question of validity or invalidity of Home nations to any act generally as defined by the rules promulgated by Govt for its conduct

(V) That the meeting erred in taking of their powers it did not possess as examination of candidates

G. R. S. [H 2]

6245

General and Revenue Secretariat | Rl File No. 66 of 19 R.

Serial No

(VI) that the voting was on an open meeting though the Rules require that it should be by ballot on account of which is secret voting

17 The above content has been made out in accordance with scale (ix) of the Election Rules (& Returned Candidates with ref/ to para 9 supra

Sgh 6
13 6 23

CSH
14 6 23

19 Rev Sec)

20 The points for decision during enq at the Election petitions are

(1) whether the Ommission of the name of Mr Rayaradana Rao was Correct

(2) whether the meeting had the right to proceed to elect a Pro Tem

(3) whether Mr B V Krishnaiah was duly elected, though he did not get 18 Votes? Shd

NOTE—Contn sheet

G. R. S. (H 2)

General and Revenue Secretariat | b/L File No 62 of 19

Serial No

a Candidate to be successful if 2/3rd of the Votes of our three Councillors who take part in the Voting or 2/3rd of all those present, even though some of them do not take part in the Voting

(4) If the Voting was not by ballot Can Mr B- if the Chairman be deemed to have secured eight 17 Votes and Can he be deemed to have seven only

Compliments to the Government Agent and wish to say all the points raised in the objection petitions

14-6-73

In my opinion the Municipal Council was not justified in eliminating the name of Mr Hazaradasrao from the list of candidates eligible for election

MOTE—Contn sheet.

# O P I N I O N

22 In my opinion the Municipal Council was not justified in eliminating the name of Mr Hayavadana Rao from the list of candidates eligible for election

23 The fact that after receipt of the nomination paper by the Chief Executive Officer of the Municipal Council the name of Mr Hayavadana Rao was duly notified as required by Rule 5 and was also mentioned in the report dated 26/5/1923 made to Government by the President, raises the presumption that the nomination was quite in order and at the nomination paper unmistakeably pointed out that Mr Hayavadara Rao was the candidate nominated by the Signatories thereto Under these circumstances it was not open to the Council, (which I take it had met for the purpose of electing one of the 3 candidates in question and not for deciding any questions relating to the validity of the nomination) to decide the question as to whether Mr Hayavadana Rao was or was not eligible for election

24 Moreover the decision was not that of the Council but of the Chairman and I do not consider that his opinion can be so authoritative and legal as to bind Mr Hayavadana Rao who had every right to continue as a candidate

25 Even assuming that the fact that his name did not appear at the proper place in the voting paper was an irregularity, it was certainly not of such material character as to invalidate his nomination

In any event the proper course for the Council, under the circumstances, was to have proceeded to vote treating Mr Hayavadana Rao also as a candidate and to have thereafter brought this irregularity to the notice of Government

26 Under the circumstances I am of opinion that the Council was not justified in eliminating his name and the further proceedings held by the Council must be deemed to be irregular This answer disposes also of the 2nd question raised above

27 As regards the 3rd question, the words "two thirds of the total number of votes of the Non - official Councillors present at the meeting" mean "two thirds of the total number of votes given by the Non-official Councillors present at the meeting" That this is the proper interpretation is evident from the fact that almost similar words are used in the earlier part of the same rule, Viz , "majority of votes of the Councillors present at the meeting" where "majority" clearly relates to the 'Votes" and not to "the Councillors present at the meeting" This view is strengthened by the fact that in Rule (VII) which details the procedure to be adopted at the election it is the votes that are referred to all through and not the number of Councillors present

28 If the intention was to apply it to the Councillors present the wording of the Rule would probably have been different I am therefore of opinion

12



of opinion that the 2/3 applies to the votes actually given and not to the number of Councillors present If, therefore, the election was in other respects regular, 17 votes would have been quite ample as only 24 voted But as has already been indicated above the proceedings appear to be irregular

Government Advocate

Bangalore
16th June 1923

G R S.[illegible] 21

General and Revenue Secretariat | File No 66 of 19 22

Serial No

At the meeting held on the 6 June 29 to elect a Vice President Mr Hanumanthappa one of the Candidates withdrew 30 There were two other Candidates viz Mr C Vaidyanatha Aiyar and Mr B V Krishnamurthi Rao Saheb & Chennaya who presided at the meeting in the absence of the Dewan held that the nomination of Mr Nagayadanu Rao was not valid as his name had not been entered in the body of the nomination paper as shown below

O (Vide Form under section IV of the Election Rules)

31 Form

We the undersigned, nominate Mr [illegible] as a Candidate for the office of Vice President

Signed —

Date

Signed — 32

32 The name of Mr Nagayadanu Rao should have been entered at the placed marked (1) in red ink

NOTE—Contn sheet

G R S. III 2]

General and Revenue Secretariat

Sd File No 66 of 1922

Serial No

Before last it was not so entered
Mr Nagarajan Rao himself
entered at the foot of the paper
that he was willing to serve as
Vice President if he was elected
This was accepted by me as
a valid nomination and
I then announced to the Councillors
that he was ~~elected~~ one of the
Candidates But Mr Chetty
said that the nomination was
invalid

Page 26 of 1922

23 The Last Advocate
to act, argued that this ruling
of Mr Chetty is incorrect
and that Consequently all the
subsequent proceedings are
irregular

24 On this ground a
fresh election has to be ordered
requiring the councillors to Vote
for Mr B V Narasimhaiah &
Mr C Nagarajan Rao just as
they may decide

25 There is another
question viz whether a candidate

NOTE—Contn sheet

R. 6 [11 2]

General and Revenue Secretariat | File No 66 of 1922

Serial No

O (Rule VI)

to be Counted as Should 2/3rd of the Votes of those Applying for Part in the Election or 2/3rd of the Votes of such persons and of such others who are Present at the Meeting but do not take part in the Voting If on the first Division the Views of the last Advocate are upheld, this Second Election does not now arise for decision At the same time, it appears to me that the Opinion of the last Advocate on the second Question would require some further Consideration

2. May the President be informed that the Name of Mr Appavadanam has Should not have been eliminated and that a fresh election may be held Make allowance regarding him Stand as a Candidate

If a fresh election is ordered as a

NOTE—Contn sh t

G. R. S. 113-2]

General and Revenue Secretariat

File No 66 of 19 22

Serial No

Result of Bonus unexplored in the Durgapur elections, this need not perhaps be taken before the Council

27/6 Dewan Mumbe
Exhd 13-6-23

(Dewan) 18/6/23

In any case the Election is unproductive
Such Elections may be allowed
Yo 6/6/23

Draft sent
DS 21/6/23 to Please put up a typed draft
21/6/23

Typed copy sent
DS 21/6/23 A draft is submitted
(Dewan) 22/6/23

Note—Contn sheet.

(2 2 5 / 333)

G. R. S. [illegible]

General and Revenue Secretariat

42 File No 66 of 1924

| Serial No | |
|---|---|
| | 44 Issue at once CBB 26 6 23 |
| 8, | To The President City Mcl, Bangalore No. L 6333 & 27 6 23<br>Makes certain observations and directs that a fresh election be held for appointing a Vice President to the Municipal Council |
| 92 | Letter No 5 of 23-24 G 14-7 23 from the President Bangalore City Council<br>States that Mr B V Krishna Iyengar is the only Councillor, who has been nominated for election and that a separate report will be submitted after the Special Meeting fixed for the 28th inst-g 1923.<br>43 Submitted for perusal. Then may await the report announcing the result of the election<br>21 7 23 Rev Sec 47 CBB 25/7/23 |
| 93 | Letter No 134 G 23-24 & 28 7 23 from the President, Bangalore City Council<br>Reports that Mr B V Krishna Iyengar has been unanimously elected as Vice President |

5 JUN 1924 LOCAL & BRA

Note—Contn sheet

G. R. S. III 2)

51D

General and Revenue Secretariat | Rl File No 66 of 19 22

Serial No

President of the Bangalore City Municipal Council requests that the name may be [illegible] for election as Vice President (The notice to be issued after the expiry of 7 days prescribed in Rule IX of the Election Rules)

30/7/23 3/8/23 4/8/23

51D Please see the report after the expiry of 7 days 1/8/23

51 7 days have expired and the file is re-submitted

6/8/23 (Rules Sec) 8/8/23

51D Mr. B. V. Keshavamurthy has been duly elected as Vice President City Municipal Council, Bangalore and no name seems to have been proposed though the period allowed by law therefor has expired (Election) A draft is put up 11/8/23

Maybe gazetted 14/8/23 16/8/23 21/8/23

NOTE—Contn sheet

516

G R. S. III-2,

| General and Revenue Secretariat. | File No. | of 19 |
|---|---|---|

| Serial No. | |
|---|---|
| | Issue at once GB 24.8.23 |
| 95 | To<br>The President<br>Mild Bangalore city<br>No. L 1647 dt 23-8-23<br>Notifying the election of Mr. B V Keshava Iyengar as Vice President of the B'lore City Municipality<br>The Commissioner, dt 23<br>No. L 1648 dt 23 & 23<br>Copy of the above for publication |

NOTE—Contin. sheet.

39782

o 153
11 5 23.

OFFICE OF THE CITY MUNICIPAL COUNCIL

*Bangalore City dated* 11th MAY *1923*

L 5833-M/

*From*

REVENUE SECTT.
13 MAY 1923

ANANDA RAO SIRSI Esq B A LL B
*President Municipal Council*
BANGALORE CITY

*To*

T E Jeyaram Iyer Esq B A B L,
Secretary to the Government of
His Highness the Maharaja of Mysore
Revenue Department Bangalore

re 66-22—17A

Sir

In continuation of this office No 144 dated 25th April 1923 reporting that Mr B Abdur Rahmon B A resigned the office of the Vice-President City Municipal Council Bangalore I have the honor to state for the information of Government that in accordance with the rules prescribed in Government Notification No 4696/ Ml 45-18-3 dated 23rd September 1918 a Special General Meeting of the City Municipal Council will be held on Wednesday the 6th June 1923 for the election of the non-official Vice-President and that --- notice thereof has been given to the Municipal Councillors

The President's Previous letter
Subject was Submitted to Appeal Secy
No on 2 5 23 (Vide L 5547/a(43 M-7)
5547) Has to Submit the Letter for
43-22-7 favour of Perusal
5/23 D No. 15 5 23

I have the honor to be,
Sir,
Your most obedient servant
Ananda Rao
President

41130

No 165
of 22-23

OFFICE OF THE CITY MUNICIPAL COUNCIL

*Bangalore City dated* 26th M A Y *1923*

6141-22

*rom*

ANANDA RAO SIRSI I S E I A M B
*President Municipal Council*
BANGALORE CITY

30 MAY 1923

*To*

T E Jeyaram Iyer Esq B A B L,
Secretary to the Government of
His Highness the Maharaja of Mysore,
Revenue Department Bangalore

ml66-22—76

Sir,

In continuation of this office letter No 153 dated 11th instant stating that a Special General Meeting of the City Municipal Council has been arranged to be held on the 6th June 1923 for the election of the Vice President I have the honor to report for the information of Government that in response to the notice ---- issued from this office three candidates have been nominated as noted below

1 Mr W H Hanumanthappa
2 " C Hayavadana Rao B A B L
3 " B V Krishna Iyengar

5833

I have the honor to be
Sir
Your most obedient servant

President

D N R

Enclosure

415 IMMEDIATE

From

Rao Sahib H Channiya, Esq.,
Municipal Councillor and Chairman
of the Special General Meeting of
the City Municipal Council held on
the 6th June 1923

To

T. E Jeyaram Iyer, Esq., B A., B L.,
Secretary to the Government of His
Highness the Maharaja of Mysore,
Revenue Department, Bangalore

No 172. Enclosure.

Dated 6th J U N E 1923

Sir,

In continuation of this office letter No 165 dated 28th May 1923, I have the honor to state that the Special General Meeting of the City Municipal Council for the election of the Vice-President was held at 8 O'Clock this morning Owing to the unavoidable --- absence of Mr Ananda Rao Jirsi, President of the Municipal Council, on account of illness, I was voted to the Chair 27 Municipal Councillors, as noted in the margin, were present A copy of the --- proceedings of the meeting is submitted herewith for the orders of Government The result of the election was that no candidate was declared duly elected as Vice-President for the reasons set forth in detail in the proceedings

I have the honor to be,
Sir,
Your most obedient servant,

Chairman 7/6/23

DNR

Councillors

Mr C V Narasimha Iyengar, B A, B L.
" B Chinnaswami Chetty.
" J H Hanumanthappa.
" B V Krishna Iyengar.
" B K Garudachar.
" M Ramachandra Rao Sindia.
" Myakala Mallayya.
" P M Basappa.
" G Siddaveerappa.
" D Adeppa.
" B V Ramaswami Chetty, B A.
" T Munisamappa.
" R Gopalaswami Iyer.
" J Venkatachala Iyengar, B A, B L.
" S Venkataramana Iyer, B A.
" C Hayavadana Rao, B A, B L.
" H Krishnappa, B A.
" H V Chandrasekharaiya, B A, LL B.
" M Raghavendra Rao.
" P Subbarama Chetty.
Rao Sahib Mr H Channaiya.
Mr J R Isaac, B A, M B E.
" P Murugesam Pillai.
" M Abbas Khan.
" F Abdur Rahmon, B A.
" S Venkataranga Iyengar.
" J E Narasinga Rao

No.31.

PROCEEDINGS OF A SPECIAL GENERAL MEETING OF THE CITY MUNICIPAL COUNCIL, BANGALORE, HELD IN THE COUNCIL CHAMBER AT 8.A M., ON WEDNESDAY THE 6TH JUNE 1923

----- oOo -----

PRESENT.

1 Rao Sahib H Chennayia, Esq., (Chairman).

COUNCILLORS

Mr C V Narasimha Iyengar, B.A., B L.
2. " B. Chinnaswami Chetty.
3. " W H Hanumanthappa.
4. " B V Krishna Iyengar.
5. " B K Garudachar.
" M Ramachandra Rao Sindia.
" Myakala Mallayya.
6. " P M Basappa.
7. " G Siddaveerappa.
8. " D Adeppa.
9. " B V Ramaswami Chetty, B A.
" T Munisamappa.
10. " R Gopalaswami Iyer.
14 Mr. S Venkatachela Iyengar, B.A., B.L.
15. " S Venkataramma Iyer, B.A.
16. " C Hayavadana Rao, B A, B L.
17. " H Krishnappa, B A.
18. " H.V. Chandrasekharaiya, B A., LL B.
19. " M Raghavendra Rao.
20 " P Subbarama Chetty.
21 " J R Isaac, B.A., M B.E.
22 " P Murugesam Pillai.
23. " M Abbas Khan.
24 " B Abdur Rahmon, B.A.
25 " S Venkataranga Iyengar.
26 " J E Narasinga Rao.

ABSENT

1 Ananda Rao S. Sirsi, Esq., B A., LL B (President).
2 Rev W H Thorp, B.A.
3. V S Tiruvengadaswami Mudaliar, Esq.

---

Owing to the absence of the President on account of illness Mr. H. Krishnappa, proposed and Mr. B K Garudachar seconded that Rao Sahib H Chennaiya do take the Chair. Carried unanimously

2 Subject - Election of the Vice President.

Resolution.- Out of the three candidates for the Vice-Presidentship, viz., Mr W.H Hanumanthappa, Mr C Hayavadana Rao, and Mr B V Krishna Iyengar, Mr W H Hanumanthappa expresses his desire to withdraw from his candidature This has been allowed.

On the examination of the nomination papers it was found that the nomination paper purporting to be that of Mr C Hayavadana Rao, B A, B L, did not contain his name as a candidate though he accepted it as such Objections having been taken to the validity of the nomination paper and after the question was discussed by the Council, the Council wanted the ruling of the Chair on the point whether the absence of the name of Mr C Hayavadana Rao not being mentioned as a candidate by the nominators

cannot be considered to have been elected as Vice President under the Rules.

The Meeting then terminated at 10 30 A M.

Sd/ H Chennaiya
Chairman

OFFICE OF THE CITY MUNICIPAL
COUNCIL, Bangalore
Dated 6th June 1923

"C O P Y

Hchennaya
Chairman 7/6/23

B.N.R

M9

(Messrs S Venkatachelliyengar & J R Isaac)
nominators, I rule that the nomination paper is xxxxxxxx invalid. Mr C Hayavadana Rao urges that a ruling under Rule 5 of Government Notification No 4696 dated 23rd September 1918, as amended by Notification No L 3350 dated 3rd November 1922, having been given by the Chair that Mr Hayavadana Rao's nomination paper is invalid the nominations as announced in the Municipal Office are toto coelo --- invalid, and that consequently no election under Rules 6 and 7 can take place

Chairmans Ruling

I see no reason why the election should not be proceeded with

Mr Venkatachelaiyengar proposed that in view of the controversy raised regarding the nomination paper of Mr Hayavadana Rao and the ruling of the xxxx Chair that his nomination is invalid further proceedings may be postponed sine die

Seconded by Mr Mohamed Abbas Khan

The proposition being put to the vote 4 members voted for the proposition and 14 against it The proposition was thus lost

The election of the remaining xxxx candidate Mr B V Krishna Iyengar was proceeded with and voting papers were distributed to 25 members Mr Krishnaiyengar being a candidate could not vote and Mr Hayavadana Rao declined to take part in voting

On the counting of the votes it was found that 17 members voted for Mr B V Krishnaiyengar, that there were six xxx blank voting papers and one contained the name of Mr Hayavadana Rao and was invalid as he was not treated as a candidate and one The Chairman did not vote

Mr B V Krishnaiyengar not xxxx having secured the absolute majority of votes required by Rule 6 of the Election Rules, viz, 18 being 2/3rds of the total number of members present (27), cannot

42370

The Secretary

to Government of Mysore

in the Revenue Department,

Public Offices, B A N G A L O R E

JUN 1923

S I R,

There was a special meeting of the Bangalore City Municipal Council on Wednesday, the 6th June to elect a Vice-President for the Municipality in accordance with Government Notification No. [illegible] dated 22nd September 1922 (as amended by subsequent orders), the nominated candidates being Messrs. C. Hayavadana Rao, B.A., B.L., and T. P. Krishna Iyengar and Mr. H. Narasimhaiya. One of these withdrew his candidature at the meeting and there remained only the first two candidates for the Commission to vote for.

2. At the outset the objection was taken by Mr. Hayavadana Rao's nominators that Mr. Hayavadana Rao's nomination paper did not contain the top line name, though it had been duly signed by his nominators and duly accepted by Mr. Hayavadana Rao who had also signed at the bottom. After discussion, the Commissioner referred the Councillors to the decided ruling from the Government on the matter and the validity of Mr. Hayavadana Rao's nomination paper and the Commissioner (Chairman) or Chairman in place of Mr. Hayavadana Rao's nominators to allow) ruled it was irregular and so could not be accepted and voted upon. It was pointed out to him (the Chairman) at the time that it was not "material irregularity" under Rule ix of the Government Notification, that any objection to the "election" could only be taken before Government at its close as per provision contained in Rule [illegible] that the nominators having been [illegible] and Councillors objected to at the meeting [illegible] and [illegible] recommended to Government [illegible] allowed to stand in the case

Notification quoted above and that it could not act in defience of it, much less supercede it and convert itself into a tribunal for judging the validity or otherwise of nominations etc Also, it was pointed out that after the ruling from the chair that Mr Hayavadana Rao's nomination paper was invalid, there was nothing further to do at the meeting but to adjourn it sine die, for the nominations should be, except for withdrawals under Rule vii (d) be voted upon as admitted orginally by the Returning Officer (in this case the President) and not interferred with in the manner sought to be done at the meeting These objections were noted by the Chairman but overruled by him The meeting was then proceeded with after a motion for adjournment had been thrown out and only one candidate Mr B V Krishna Iyengar, was voted for, but he did not secure the decided majority of votes required under Rule vi of the Notification, and the Proceedings were reported to Government under Rule viii

3 The undersigned Councillors contest under Rule ix the validity of this Election meeting and the procedure adopted at it for the following among other reasons everyone of which will show material irregularity in its conduct (i) that the elimination of Mr Hayavadana Rao's name as carried out at the meeting was irregular and illegal in as much as this nomination paper had been admitted as proper by the President, the Returning Officer in this case, and notified with the other admitted names on the Notice Board of the Municipal Office during a period of 10 days and no objection had been taken against it during the period That objection to the nomination paper should only be taken "at or immediately after the time" of its delivery to the President is clear from the following extracts from Halsbury Laws of England Volume xii P 274 Para 546. "The candidate must be described in the nomination paper in such manner as in the opinion of the Returning Officer is calculated sufficiently to identify him No objection to a nomination paper on the ground of the description of a candidate therein being insufficient or not in compliance

with the rule, can be allowed or deemed valid unless such objection is made by the returning officer or by some other person on immediately after the time of the delivery of the nomination paper [illegible] 275 The name of the candidate may be filled in after the proposer and seconder have signed the nomination paper in accordance with this view of the law and the Rules of Government contained in the Notification referred to above according to which no election can be contested until after the declared date only in particular manner "and not otherwise" (Rule 1) The time limit of 10 days(under Rule 1)indicates that objection if any, could be presented to the Returning Officer, and the names contained in the nomination list notified and hung by him at his Office The nomination "paper" has no value after the nomination list containing names of the admitted candidates has been notified by the Returning Officer and therefore, if undisputed to during a period of 10 days and cannot be set aside by the Electors or the Councillors at the time they met to record their vote (ii) The proceedings of a meeting including every ruling of the Chairman [illegible], the placing of resolutions, the placing of votes on the motion, etc, etc, are all governing the meeting not contemplated by all the rules governing it, which are contained solely in the Act and above and nowhere else the rules for the conduct of any Municipal meeting have to application to the meeting which is governed entirely by the Rules contained in the Government Notification referred above (iii) These Rules having been promulgated under section 63(9)(c)of the Bombay Municipal Regulation would be deemed part of it and any contravention of them should be strictly construed and any deviation from it ought to be held to nullify the meeting held in pursuance of them The meeting acted in contravention of the Rules is abnormal and it should be treated (iv) The meeting having been called specially for receiving the votes of the Councillors in its own

against the persons nominated (excluding the arbitrariness under Rule VI (d)) cannot transact any other business at it, frame a procedure for itself, convert itself into a tribunal for deciding questions of validity or invalidity of nominations etc., etc., and act generally in defiance of the Rules promulgated by Government for its conduct. All this was done at the meeting and so its proceedings are invalid owing to the material irregularities committed at it. (v) The meeting erred in taking to itself power it did not possess as to elimination of names of candidates etc., and so the proceedings are toto coelo invalid. This assumption of powers goes to the root of the matter and is a material irregularity within the meaning of Rule 1. (vi) The voting was in open meeting though the Rules require that it should be by "ballot"--the essence of which is secret voting--and as such contravened the Rules contained in the Notification. The voting should under Rule VII(a) be "at the meeting" but it should be done in such a way as to attain the secrecy aimed at by the ballot system i.e. the manner of secret voting. This is possible when only ten candidates are required from the possibility of interference by others. This can only be secured by voting in secret i.e. in places where each candidate can record his vote absolutely secretly, there being the chance of knowing for whom he voted. This was not done at the meeting in question as the voting was done at the Council table and in promiscuous fashion, everybody having full opportunities to note for whom others were voting for. This is subversive of the "ballot" system referred to specifically in Rules 6 and 7 (a) and (c).

(4) In view of the foregoing objections, among others, we the undersigned Councillors contend that the validity of the election meeting notably held on Wednesday the 6th June 1963 but also the procedure adopted at it, which contravenes both the letter and spirit of Government Notification No. [illegible] dated 1st July 1961 (as later amended) is irregularities committed at it go to the root of the matter, they being irregularities within the meaning of Rule ix of the Rules. We respectfully submit that the status quo ante should be re-

tored by Government and nomination of Mr Rayavadana Rao restored and the election proceeded with under the Notification above referred to

We beg to remain,

our most obedient servants

T Venkatachala Iyengar
Municipal Councillor
Chamarajapet Division

[illegible]

[illegible]

Municipal Councillors

Bangalore City Municipality

Addresses

[illegible]
Bangalore City

T. Narasinga Rao
Merchant, Chickpet
Bangalore City

[illegible]
Merchant,
Chickpet, Bangalore City

To,

The Secretary to the Government
of His Highness the Maharaja of Mysore
Revenue Department, BANGALORE

We, the undersigned Councillors of the Bangalore City Municipal Council beg to make the following representation for the consideration of the Government and for early orders

1 That for the election to the office of the Vice President of the City Municipal Council rendered vacant by the resignation of Mr Abdul Rahiman Saheb there were three candidates viz Messrs W H Hanumanthappa, C Hayawadana Rao and B V Krishna Iyengar

2 The election was notified to take place on the 6th June 1923 at 8 A at a Special Meeting of the Councillors and accordingly 27 Councillors in meeting assembled at the appointed hour including the above three candidates

3 Before proceeding to the business of the meeting, Mr W H Hanumanthappa expressed his desire to withdraw his candidature which was duly allowed

4 There then remained two candidates on the inspection of whose nomination papers it was found that in one paper signataries had left blank the name of their nominee and after discussion relating to its validity the matter was left to the ruling of the Chairman who declared that the paper apparently refering to Mr Hayawadana Rao's nomination was invalid There thus remained Mr B V Krishnaiengar only for election which was proceeded with the result being that 17 non-official Councillors voted for Mr Krishnaiengar, one for Mr Hayawadana Rao, six dropped blank papers and three did not vote:

5. With this result before the meeting, it was declared that Mr Krishnaiengar was not elected because according to the interpretation of the rule relating to the securing of votes, Mr Krishnaiengar had failed to secure 2/3rds of the votes of the non-official Councillors present

6 The rule above referred to reads

reads thus -

"Voting shall be by ballot and the election shall be decided by a majority of votes of the councillors present at the meeting, provided that no candidates shall be declared elected unless he secures at least two-thirds of the total number of votes of the non-official Councillors present at the meeting

7 It is respectfully submitted that in the interpretation of the above rule, it is incorrect to state that because Mr Krishnaiengar failed to secure votes of two-thirds of the total number of Councillors present i e two-thirds of 27 or 18, he was not duly elected

8 That the above rule has reference to the total number of votes recorded and not to the number of the Councillors present

As regards the number of Councillors required to be present, there is Rule (iii) of the election rules which requires ¾ of the total number of Councillors forming the Council However as regards votes there is no reference whatsoever to the number of Councillors but only to the total -- number of votes recorded If it was intended that the number of votes also depended on the number of Councillors, the rule would have run thus -

"Provided that no candidates shall be declared elected unless he secures votes of two-thirds of the non-official Councillors present at the meeting "

9 That regard must be had to the numbers of votes and not to the number of Councillors present

is further apparent from the fact that the candidates standing for election and the Official --- Councillors present are both denied the right to vote.

10. Therefore if it is understood that only 18 persons recorded their votes the candidate that secured two-thirds of that number viz. 12 or more must be declared elected. If for the purposes of computation those that dropped blank papers are also treated as having given their votes, still the number will be 24 and two-thirds of that number or 16 must record their vote for the successful candidate. In any view therefore Mr. Krishnaiengar having secured 17 votes must be declared duly elected.

It is therefore prayed that Mr. Krishna Iyengar may be declared to have been duly elected and orders may be passed accordingly.

We beg to remain,

Sir,

Your most obedient servants,

Bangalore,
June 1923.

G.R..S VI G 34j

SUBJECT .... .. .. .... ... .. .. .. .... ... ... .... ... ... ... .. .

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*Diary No of letter replied to...* 6.2.5 ..

Section [illegible]

File No 66-2

Serial No. 27

**General and Revenue Secretariat**

*Proceedings of the Government of His Highness the Maharaja of Mysore*

*the* *191*

Date of issue. .. .. 27 .. 6-23 .. .....

Signed by... .....

*Read—*

Letter no 172 of 7-6-23 from the Director of the Archaeological Research Bangalore City about Annual Conference held on the 6th June 1923 for which Rao Bahadur Rao Saheb Prof. Rao Saheb of Rao B Narasimha Rao B.A Superintendent forwarding a copy of the proceedings Order Thereon No. of the Secretary

2 Proceedings of 5 & 23 from Rao Venkatarama Ayyangar Secretary to the Annual Conference at Mysore

3 Proceedings from Rao Saheb Prof. Rao Saheb Annual Conference at Mysore

s be

i Printed ?

ii treated as a standing order ?

iii published in the Gazette, English Part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette, Kannada Part ?

Order No L 8333

The proceedings should not be kept on the notice-board or paper relate to the

unfortunately in the case of

Hanga Narasimha Rao who was

one of the commanders and who

accepted it as duty was bound to

be executed on the ground that

the communists had sacrificed

to murder our Hanga Narasimha

Rao's name as a leader and

and that the communist command

Hanga Rao proceeded to work for

the election of the Telugu

Communist Party B V Krishna Rao

proposed The Secretary

seconded the motion on the communist

paper Can such be considered

communist and to

murder all his communists

*List of candidates.*

Copied by

Examined by

WD 21—GPD—1,000,000—11-1941

G R S G/33]

GENERAL AND REVENUE SECRETARIAT

*(Continuation sheet draft form)*

and The Municipal Council was not satisfied on examination the name of Peter Hargreaves it Ran from the list of candidates after the receipt of the nomination paper by the Chief Executive Officer of the Municipal Council and after notification of his name as a candidate under (15) of the Election Rules it was not open to the Municipal Council for the purpose of electing one of the candidates to decide the question as to whether Mr Hargreaves was or was not eligible for election

3 In these circumstances [illegible] was not

[illegible] that the further proceedings were by the Municipal Council were regular and

WD 2830—GPB 1 00,000—23-7 20

Proceedings of the Government of H. H.
the Maharaja of Mysore

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Read -

Letter No 172 dated 7th June 1923 from the Chairman of the Special General Meeting of the Bangalore City Municipal Council held on the 6th June 1923 for the election of a Vice President in place of Mr B Abdul Rahmon, B A , submitting a copy of the proceedings of the meeting

2 Petition dated 8th June 1923 from Mr Venkatachala Iyengar and some other Municipal Councillors

3 Petition from Mr Ramachandra Rao Sindia and some other Municipal Councillors

Order--No L 8333-1166-22-87

Dated Bangalore the 27 6 1923

The proceedings disclose that the nomination paper purporting to relate to Mr Hayavadana Rao who was one of the candidates and who accepted it as such was held to be invalid on the ground that the nominators had omitted to insert Mr Hayavadana Rao's name in the said paper as a candidate and that the Municipal Council thereafter proceeded to vote for the election of the remaining candidate viz Mr B V Krishna Iyengar the Election of Mr Hayavadana Rao

2 The omission to specify the name in the nomination paper cannot be considered to be an irregularity of such a character as to invalidate his nomination The Municipal Council was not justified in eliminating the name of Mr Hayavadana Rao from the list of candidates after the receipt of the nomination paper by the Chief Executive --

Officer of the Municipal Council and after the notification of his name as a candidate under rule (v) of the Election rules and it was not also open to the Municipal Council which met for the purpose of ---- electing one of the candidates to decide the question as to whether Mr Hayavadana Rao was or was not eligible for election.

3 In these circumstances Government consider that the further proceedings held by the Municipal Council were irregular, and they therefore direct that a fresh election be held for electing a Vice - President

Secretary to Government
Revenue Department

To

The President, City Muni Council,
Bangalore

No 5 of 23-24

OFFICE OF THE CITY MUNICIPAL COUNCIL

*Bangalore City dated* 14th J U L Y *1923.*

1653

*From*

ANANDA RAO SIRSI Esq B A LL B
*President Municipal Council*
BANGALORE CITY

To

T E Jeyaram Iyer Esq B A, B L,
Secretary to the Government of
His Highness the Maharaja of Mysore,
Revenue Department Bangalore

Sir,

Adverting to Government Order No L 8333/M1 66-22-87 dated 27th June 1923 directing that a fresh election be held for electing a Vice President I have the honor to ~~me~~ report for the --- information of Government that in accordance with the Rules --- prescribed in this behalf a notice has been issued calling for a Special General Meeting of the City Municipal Council at 8 A M, on Saturday the 28th July 1923 for the purpose and requesting such of the Municipal Councillors who desire to stand for election to send in their nomination form on or before the 12th July 1923 In response to this notice Mr B V Krishna Iyengar is the only --- Councillor who has been nominated for election A separate --- report will be submitted immediately after the Special Meeting o the 28th instant.

I have the honor to be
Sir,
Your most obedient servant,

President.

D N R.

**Immediate**

46 8

OFFICE OF THE CITY MUNICIPAL COUNCIL

No. B of 23-24 *Bangalore City dated* 28 th July *1923*

3 Encl Proceedings

L 586-V

ANANDA RAO SIRSI ESQ. B A LL B
*President Municipal Council*
BANGALORE CITY

L JUL 1923

Mr 66-12-93

The Revenue Secretary to Government of His Highness the Maharaja of Mysore

33

B A N G A L O R E C I T Y

S I R,

I have the honor to forward herewith the proceedings of the Special General Meeting of the City Municipal Council held to-day for the election of the Vice-President

2 It will be seen therefrom that Mr B V Krishna Iyengar has been unanimously elected by 23 non-official members out of 25 members present

3 The election may be approved by Government

I have the honour to be
Sir
Your most obedient servant,

Ananda Rao

President,
City Municipal Council,
Bangalore

No 3

PROCEEDINGS OF A SPECIAL GENERAL MEETING OF THE CITY MUNICIPAL COUNCIL, BANGALORE, HELD IN THE COUNCIL CHAMBER, AT 8.A M ON SATURDAY THE 28TH JULY

1 9 2 3

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P R E S E N T

1. Ananda Rao S Sirsi Esq ,B A ,LL B ,(President)

COUNCILLORS.

C.V Narasimha Iyengar,B.A ,B L ,
B Chinnaswami Chetty,
* B.V.Krishna Iyengar,
* B K.Garudachar,
* M Ramachandra Rao Scindia,
* P M.Basappa,
* D Adeppa,
* B V Ramaswami Chetty,B A ,
* T Muniswamappa,
* R Gopalaswami Iyer
* S Venkatachela Iyengar,B A B L ,
* V.S.Thiruvengadaswami Mudaliar
13 Mr H V Chandrasekharaiya,B A ,
14 " M Raghavendra Rao IL B
15 " P Subbaramachetty,
16 " J R Isaac,B A ,M B F ,
17 Rao Sahib Mr H Chennayia,
18 Mr P Murugesam Pillai,
19. " M Abbas Khan,
20 " B Abdur Rahmon B A ,
21 " S Venkataranga Iyengar,
22 Rev W H Thorp,B A ,
23 Mr S Venkatarama Iyer,B A ,
24 " H Krishnappa B A ,

A B S E N T

V.K.Hanumanthappa,
Nyamaka Mallayya
3 Mr G Siddaveerappa,
4 " C Hayavadana Rao,B.A ,B.L ,
5 Mr J E Narasinga Rao.

----- oOo -----

Subject - Election of the Vice President

Resolution -Mr B V Krishna Iyengar was the only Councillor to stand for election

2 Voting was by ballot The President, who was an official member and Mr Krishna Iyengar abstained from --- voting

3 All the remaining 23 Councillors voted for Mr B V Krishna Iyengar who was thus declared duly elected as Vice President

President,
City Municipal Council
Bangalore

D N R

G. R. S. VI—G/32]

SUBJECT — — — —

Diary No. of letter replied to L 616

General and Revenue Secretariat

L. S. G.

the 191

Date of issue 23/8/1923

Signed by Sd/- C. R. R.

Section A(

File No. 66-A

Serial No 95

No L 1646

Notification

Under Section 23(2)(c) of the Bangalore City Municipal Act VII of 1906 and published with Notification No 4696 and 45 R 3 B dated 23 [illegible] Govt of H. H. the Maharaja of Mysore are pleased to approve of the election of Mr. B. V. Krishna Iyengar as the Vice-President of the Bangalore City Municipal Council

Rule 1 of

Bangalore

Sd/- C. R. Reddy

for Chief Secretary

31/7/23

To

The Superintending Engineer
for information

Memo No. L 1647/Mal

Copy forwarded to the Executive Engineer, Perinthalmanna Road Division with reference to his letter No. 13-J23-24 dt. 25.6.1924

S.E.

Copied by

Examined by

List of enclosures.